



"The City With a Heart"

Larry Franzella, Mayor
Jim Ruane, Vice Mayor
Ken Ibarra, Councilmember
Rico E. Medina, Councilmember
Irene O'Connell, Councilmember

MINUTES

CITY COUNCIL MEETING

January 27, 2009

7:00 p.m.

1. CALL TO ORDER: THIS IS TO CERTIFY THAT the San Bruno City Council met in regular session on January 27, 2009 at the San Bruno Senior Center, 1555 Crystal Springs Road. The meeting was called to order at 7:03 p.m.

Mayor Franzella thanked the **San Bruno Garden Club** for the beautiful floral arrangement.

2. ROLL CALL/PLEDGE OF ALLEGIANCE: Presiding was Mayor Franzella, Vice Mayor Ruane and Councilmembers O'Connell, Ibarra and Medina in attendance. Recording by Clerk Bonner. **Councilmember Medina** led the Pledge of Allegiance.

3. ANNOUNCEMENTS: None.

4. PRESENTATIONS: None.

5. REVIEW OF AGENDA: No changes.

6. APPROVAL OF MINUTES: Special Meeting of January 12, 2009, Special Meeting of January 13, 2009 and Regular Council Meeting of January 13, 2009. Clerk Bonner pointed out an erroneous error on the minutes of the Special Meetings of January 12 and 13 where Vice Mayor was placed in front of O'Connell rather than Ruane and Councilmember was placed in front of Ruane. Minutes were corrected to reflect correct titles. Balance of minutes approved as submitted.

7. CONSENT CALENDAR:

- a. **Approve:** Payroll of January 9, 2009.
- b. **Approve:** Accounts Payable of December 22 and 31, and January 12, 2009.
- c. **Adopt:** Reconciliation of General Ledger to Bank Reports and the Investment Reports Dated December 31, 2008.

M/S Medina/Ibarra to approve the consent calendar and passed with all ayes.

8. PUBLIC HEARINGS:

- a. Hold Public Hearing and Take the Following Actions Related to an Application for the Development of a Mixed-Use Project at 406-418 San Mateo Avenue:
 - 1. Adopt Resolution Adopting a Mitigated Negative Declaration and Mitigation Monitoring Program.
 - 2. Waive First Reading and Introduce an Ordinance Amending the Zoning Map Described in San Bruno Municipal Code Section 12.96.010 to Change the Zoning of a Portion of Assessor Parcel 020-364-320 from R-2 to C-B-D to be Consistent with the General Plan Land Use Classification for Development.
 - 3. Adopt Resolution Approving a Vesting Tentative Subdivision Map, Architectural Review Permit, Use Permit, and Density Bonus.
 - 4. Authorize the City Manager to Execute an Affordable Housing Agreement between the City and Conceptual Investment and Management, Inc.

Mayor Franzella recused himself from this item because of a potential conflict because of business interests.

Vice Mayor Ruane asked for the staff report.

Community Development Director Akin gave the background on the proposed site at 406-418 San Mateo Ave. He presented a PowerPoint presentation of the proposed development.

Councilmember Ibarra asked if there was enough parking for the residents and about flex parking? **Akin** said the same parking as the Crossing, one space per bedroom. Regarding flex parking, he said it does work because of the offsetting uses and there are not that many retail customers when residential people are home and no on-street parking will be removed as a result of this project.

Councilmember Ibarra said it is a handsome building, but he could do without the striped brick at the bottom.

Councilmember O'Connell said a great job was done on the parking and suggested bicycle lockers in one of the parking spaces. **Akin** said this might have been incorporated into the development. **Councilmember O'Connell** said maybe there could be some coordination with the Peninsula Congestion Relief Alliance.

Councilmember O'Connell said on Attachment 5, Exhibit A, Page 6, #10 there is a date of July 15, which could land on a Sunday. She agreed with Councilmember Ibarra on the brick in the front of the building; instead of that kind of business she saw an opportunity to reflect the archways on the retail on the bottom to the windows on the top. She said the pictures between the retaining wall of the public right-of-way and private area are no longer accurate, but she asked it be looked at because it appeared to be a perfect skateboard ramp. She asked if our public art policy could be incorporated on that corner to alleviate skateboarding and Plexiglas to block the wind, She had questions regarding landscaping, and wanted to be sure there would be no pots. **Akin** concurred.

Councilmember Medina said from what he saw, the plaza is open; therefore, accessible 24 hours a day and he asked about security for parking, graffiti prevention. He also asked about the time-line, destruction, and construction?

Akin addressed Councilmember O'Connell's question regarding skateboarding and said there are things, which can be put in place to discourage this. He said incorporating art into this building rather than taking an in lieu fee was a great idea. He believed the bicycle lockers were incorporated but the developer would address it. In response to Councilmember Medina, Akin said he believed it would be a great condition to add that prior to building permit issuance, the developer work with the police chief to have a security and lighting plan for the patio area. Time line for construction could be worked out with the developer. The timeline building ordinance limits to two years with the ability to have one more year of construction. He said they could ask for a written schedule and bring it back to Council at a later date. There is a provision to provide anti-graffiti coating.

Carl Chin, Project Manager thanked everyone involved in the project. He introduced **Bob Lindley** who gave a power point presentation of the proposed development and asked for questions.

Vice Mayor Ruane asked about the availability of bike lockers. **Lindley** said there are two or three places in the garage area. Akin said there are sixteen spaces on the ground floor and twenty-eight additional spaces in the underground area.

Vice Mayor Ruane asked what the projected timeframe would be? **Chin** said they are working with the investors and also have a local lender and will not have an answer until they meet. Their desire is to move the project asap.

Councilmember Ibarra said the plaza looks like an outdoor eating area for a tenant? **Lindley** said they are open to suggestions and what was done with the illustration was to see what kind of size would fit. He said the concept was to have a water feature at the corner to provide white noise to mitigate the sound of traffic with low walls on the side for good visibility. It is open on the sides in the event a restaurant went in to meet with laws governing alcohol.

Councilmember O'Connell said whatever happens there she hoped public art could part of the design. She said she really wanted to discourage skateboarding. **Lindley** said there is a low wall and it would be difficult to get there because of the shrubs, and as you come around the street, it rises up to approximately five feet. There are also products, small stainless steel cleats that can be incorporated into the design to make it an integral part.

Councilmember O'Connell asked if there were thoughts to changing the name. **Chin** said there has been discussion about changing the name and they are planning to have a competition with a prize for naming the development. They will work with the Chamber of Commerce.

Vice Mayor Ruane opened the Public Hearing.

Aknin added a condition of approval was passed out to Council for Condition #118, adding a line for sewer analysis.

William Nack, Chess Dr., Foster City, said the Building Trade Council fully supports the Peninsular Plaza Development.

Donald McClintick, Mastick Ave. expressed his concern for the neighborhood during the demolition and construction of the development as well as the parking.

Orlando Salas, Linden Ave. said it is already very congested in the area where the proposed development is planned.

Councilmember Ruane asked if anyone else would like to speak on the project. **M/S Medina/Ibarra** to close the public hearing and passed with all ayes.

Councilmember Ruane asked staff what are the plans regarding construction and demolition? **Aknin** said at this point there is not a plan in place; it is done at the actual structural stage. He encouraged Mr. McClintick to contact him. **Councilmember Ruane** said Mr. McClintick was also concerned about the parking and asked for an explanation of the parking spaces and what will be done if it overflows into the neighborhood. **Aknin** said there are a lot of homes in the area that either don't have a garage or a one-car garage, so the development will exceed what is presently there. Each residential unit will have one parking space per bedroom plus an additional 24 spaces, developed into the residential portion plus an additional 15 spaces on the commercial floor, which will be used as flex parking during the evening hours.

Councilmember Ruane clarified with the developer this would be a union project. **Chin** concurred. **Councilmember Ruane** asked Mr. Nack about local workers? **Nack** said there are close to 2000 construction workers who live in San Bruno; in the County there are 7000-8000. He said there are a lot of workers out of work now and he didn't see a problem getting local workers.

Councilmember Medina expressed his appreciation for labor involvement. He said because of the impact to the neighborhood, there should be some type of outreach to identify the times and days of construction and a person to contact when there are concerns.

Councilmember O'Connell asked if there was a similar situation with parking on Huntington? She said residents developed a permit-parking program, so once the dust settles on this development maybe something like this could be done.

McClintick said he proposed permit parking in that area. The question is how the permit parking is done and who receives the permits. If permits are issued to people on Mastick, then they should be just for the people on Mastick. The same is true if they are issued for Taylor. If it is opened up, it won't work. **Vice Mayor Ruane** said it is a discussion we can have at a later date.

Councilmember Ibarra asked if it was out of the question to ask the developer to have a community representative. **Aknin** concurred and he said there would be a preconstruction meeting, noticing those within 900 feet of the project.

Councilmember Ibarra asked about signage? He said it is important the City has control because there is an ordinance and whoever is in charge needs to know what can be done and what cannot be done. **Aknin** said this should be added as a condition of approval, if it has not already been done. He added we should wait on the master sign program because of the transit corridor plan.

Councilmember O'Connell expressed her appreciation for the efforts in making this development green.

Councilmember Ibarra introduced the resolution Adopting a Mitigated Negative Declaration and Mitigation Monitoring Program and passed with a unanimous vote.

M/S Ibarra/Medina to waive the first reading and passed with all ayes.

Councilmember Ibarra introduced the ordinance Amending the Zoning Map with the master sign program and revised condition #118 and passed with a unanimous vote.

Councilmember Ibarra introduced the resolution Approving a Vesting Tentative Subdivision Map with the master sign program and revised condition #118 and passed with a unanimous vote.

M/S Ibarra/Ruane to Authorize the City Manager to Execute an Affordable Housing Agreement between the City and Conceptual Investment and Management, Inc. and passed with all ayes.

b. Hold Public Hearing, Waive First Reading and Introduce an Ordinance of the City of San Bruno Adding Chapter 10.21 (Sustainable Food Service Ware) to Title 10 (Municipal Services) of the San Bruno Municipal Code.

City Manager Jackson gave a summary of the proposed polystyrene ordinance and asked for questions.

Councilmember Ibarra asked for the numbers on the volunteer program. **City Manager Jackson** said West Coast Café, Molly Stones and a number of restaurants who use aluminum and paper cardboard containers. **Councilmember Ibarra** was concerned about a letter sent out from Millbrae to 120 businesses and they had a reasonable response. He said it was very vague. Were there negative responses? **City Manager Jackson** said all of the restaurants in San Bruno who would be affected by the ordinance have been notified. A small number are complying. Millbrae and South San Francisco adopted similar ordinances approximately a year ago and there has been no real concerns in the implementation. **Management Analyst Shannon** said Millbrae did a very

similar outreach and they have had very little disagreement. He said the main question was what are the correct products to use? Councilmember Ibarra asked how many fines have been assessed? **City Manager Jackson** said she had only heard from South San Francisco and there has not been a need for the establishment of an aggressive enforcement program. **Shannon** said the same was true for Millbrae.

Mayor Franzella opened the public hearing and pointed out the three-minute time limit.

Dennis Sammut, Artichoke Joes, talked about the product, cost, safety, and liability to the owner, manufacturer, quality. He proposed a point of compromise by having a subcommittee meet with the restaurant owners and revisit this in 11 or 12 months.

Isaac Mejia, Don Picos and the Rib Shack said Dennis touched on all the points he wanted to make. He stressed the quality of the product does not work. He asked more outreach be done, as well as being given a chance to see the economy improve.

Glen Thompson, Sysco said a year from now there would be more innovation and more People spending money to develop these products.

Brian Early, Californians Against Waste talked about banning polystyrene.

Lucy Mejia, Don Picos suggested the City look into Blue Earth Solutions.

Julia, Glenview Dr., San Francisco Department of Environment said the ban has been successful in San Francisco.

Miguel Araujo, Araujo's Restaurant asked for time to get a better product.

Johnnie Foster Downs, California Restaurant Association opposed the ban.

M/S Ruane/Medina to close the public hearing and passed with all ayes.

Councilmember Ibarra asked staff if there was a statement this would be revisited at some future time? Since November what sort of contact has staff had with the restaurant community or the members at the last hearing? **City Manager Jackson** said staff does not recall any specific discussion among Council saying this would be revisited. The outreach to the community is through the City's website, previous information posted in FOCUS, noticing for the public hearing and additional contact with restaurants from Management Analyst Shannon as well as mailings.

Mayor Franzella said in listening to the speakers as well as the staff report, it appears everyone wants to go to the same place, eliminate waste, green products, the real thing is the cost effective and the functional product. He said Mr. Sammut brought up a viable compromise and Council is looking to put this ordinance into place but could push it back to April and then meet after the first of the year to look at cost effective products. It would set a path which would not impose any unfair burden; it gives everyone a chance to get together and see what the alternatives are.

Vice Mayor Ruane read an excerpt from the Sysco site "we must help our customers find ways to reduce their energy consumption and the waste they create by harnessing the potential for change found in our large customer base, we could work together to lead our industry to meaningful change." He said a representative from Sysco spoke tonight and this is what they are all about. He said this is good, it does not go into effect for one year, if it needs to be reviewed we go 90 to 120 days before February 1, and at that time discuss availability, price, function and talk about liability.

Councilmember Ibarra said he wasn't able to make a vote to ban polystyrene because of the debate on what the City wants to do and what the business community can't do. He wanted it

known he understood the direction toward green, he didn't see why this happens now or within a year.

Councilmember Medina, while partaking in community functions, asked citizens what they thought. He said everyone wants to get to the same location as discussed tonight, from the vendors to the citizens. He said they heard what he was saying, they think it is important too and time is important and the economy is tough. He believed we should go forward and pass this with limitation backing out until April and revisited 90 days before implementation by a subcommittee.

Councilmember O'Connell said this subject was first brought up in August when a subcommittee was formed. The findings from the subcommittee meetings were brought to Council at the November meeting. Vice Mayor Ruane was not present at the November meeting so this item was never brought to a vote. The subcommittee met again and went over what came out of the November meeting and that is why we are here tonight. The market responds to demand. After bringing home non-polystyrene containers of food from Millbrae this weekend, it does not appear to be an issue for them. She said she felt it should be brought forward in December and could be reviewed 90 days prior.

Vice Mayor Ruane asked if there was a 90 day review prior to February 1, will that force us to bring it back. **City Attorney Thompson** suggested there be a definite implementation date in the ordinance and if Council wants to bring it back for review before that, they have the authority to adjust an ordinance, which she recommended being done by resolution. She wanted to be sure all the written materials received became part of the record. She added she wanted to be sure Sysco's oral report was included. **Vice Mayor Ruane** said if he wanted to say we vote to implement this February 1, we bring it back 90 days prior to that for review; it can come back in resolution at another meeting. **City Attorney Thompson** concurred. **Mayor Franzella** said if this was passed with that intent, it would be passing the first reading of this ordinance and at the next meeting there would be the second reading of the ordinance and at that meeting there would also be a resolution. In the event the Councilmembers were not happy with the resolution, they could vote no on the second reading of the ordinance.

City Attorney Thompson said to include in the record an oral direction from Eugene Poulin, Director, Food Service Supplies, Sysco said they are confident in their ability to provide alternative sustainable products that can displace any product on the market including Styrofoam products, yes, they do cost more but they function quite well and provided that certain products that replaced foam-hinged containers are heat-stable up to 375 degrees and paper biodegradable containers that would replace foam cups are heat-stable up to 240 degrees. He wanted it clear of the corporate position of Sysco.

M/S O'Connell/Ruane to waive the first reading and passed with all ayes.

Vice Mayor Ruane introduced the ordinance for adoption with the caveat that the resolution come back at the next meeting with the review within 90 days, and if not the Council will have to make a decision to implement on that date or grant a six-month extension. **City Attorney Thompson** said the implementation date would be as written in the ordinance and at the next meeting there would be a resolution accompanying that 90 days prior.

Councilmember Medina said he would like to see this go to April 1 because of the holiday conflict. Mayor Franzella agreed. Councilmember Medina said he felt we should all get to the same decision together.

Mayor Franzella said if they were to move forward, since the votes are split two and two, we

need to have a compromise to set a path and move forward otherwise this will not pass.

Vice Mayor Ruane amended the introduction to the ordinance for adoption with the caveat that the resolution come back at the next meeting with the review within 90 days prior and a date of April 1 and passed with three ayes and one no (Councilmember Ibarra).

Mayor Franzella called a recess.

9. PUBLIC COMMENT ON ITEMS NOT ON AGENDA: None.

10. CONDUCT OF BUSINESS:

a. Receive Quarterly Financial Report as of December 31, 2008 for the 2008-09 General Fund, Special Revenue Funds, Enterprise Funds, and Capital Improvement Program Budget.

Administrative Services Director O'Leary gave an overview of the quarterly financial report highlighting some of the changes and asked for questions.

b. Adopt Resolution Approving Strategies Addressing the 2008-09 General Fund Budget Deficit.

Administrative Services Director O'Leary gave an overview addressing the 2008-09 General Fund Budget Deficit and asked for questions.

Councilmember Ibarra asked if the seven positions represented six months of salary? **O'Leary** concurred. **Councilmember Ibarra** asked about the ERAF refund? **O'Leary** said the ERAF take away from the State reduces the property tax the City receives and property tax is a general fund revenue.

Councilmember Medina asked about the freeze of positions, services manager is referenced, in what department? **City Manager Jackson** said the Services Manager position is in the Streets and Wastewater Fund, vacated by retirement. **Councilmember Medina** asked about Parts Maintenance Officer? **City Manager Jackson** said Parts Maintenance Worker would be the appropriate terminology representing one position currently vacant.

City Manager Jackson said this recommendation does not include every position currently vacant in the City's authorized staffing. **Councilmember Medina** asked how it is determined what is going to be filled and what is not? **City Manager Jackson** said significant actions will need to be taken to reduce overall expenditures. Many of the positions will be evaluated to see if there is a need in the budget process.

Councilmember O'Connell expressed her concern over cuts to the library maintenance program. She said she would like to see which parts could be saved. She also said she was concerned there isn't backup on a lot of programs. **City Manager Jackson** said these dollar amounts are not specifically included in the 1.4 million dollar reduction directly to the general fund budget. They are budgeted elsewhere. **Mayor Franzella** said the resolution does not address the last five issues, which will come back to Council.

Councilmember O'Connell introduced the resolution with the change that Deferral of Project and Equipment Purchases to Maintain General Fund Flexibility come back to Council before action is taken and passed with a unanimous vote.

c. Adopt Resolution Approving Installation of 41.5 Feet of New Red Curb "No Parking" Zone and Elimination of 10 Feet of Existing Red Curb "No Parking" Zone on the West Side of Cherry Avenue South of Bayhill Drive.

Mayor Franzella thanked staff for their work on this project.

Public Works Director Fabry gave an overview of the staff report and asked for questions.

Councilmember Ibarra asked why there is one parking space? **Fabry** said our Municipal Code calls for this space.

Vice Mayor Ruane introduced the resolution for adoption and passed with a unanimous vote.

e. Adopt Resolution Approving Cable Television Service Promotional Discount Offer for Limited Basic, Preferred Basic and Digistar Basic Services.

Business Manager Firpo gave an overview of the staff report and asked for questions.

Vice Mayor Ruane introduced the resolution for adoption and passed with a unanimous vote.

11. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES: None.

12. COMMENTS FROM COUNCIL MEMBERS: None.

13. CLOSED SESSION:

The City Manager and Human Resources Director Request a Closed Session Pursuant to Cal. Gov't Code Section 4957.6 Regarding Direction for Labor Negotiations with the San Bruno Professional Fire Fighters Associations, Public Safety Mid-Management Bargaining Unit, Miscellaneous Group, Mid Management Bargaining Unit and San Bruno Police Bargaining Unit with no reportable action coming from the meeting.

14. ADJOURNMENT:

Mayor Franzella closed the meeting at 10:30 p.m. The next regular City Council Meeting will be held on February 10, 2009 at 7:00 pm, at the Senior Center, 1555 Crystal Springs Road, San Bruno.

Respectfully submitted for approval
at the regular City Council Meeting of
February 10, 2009

Carol Bonner, City Clerk

Larry Franzella, Mayor